

EXHIBIT C

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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4
5 IN RE: PROCESSED EGG PRODUCTS: MDL NO. 2002
6 ANTITRUST LITIGATION 08-MDL-02002

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8
9 PHILADELPHIA, PA

10 JUNE 5, 2018
11 DAY TWENTY-ONE

12
13 BEFORE: THE HONORABLE GENE E.K. PRATTER, J.

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16 TRIAL TRANSCRIPT

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1 Other factors that you might consider in determining
2 whether the Defendants and their alleged coconspirators have
3 market power include barriers to entry into the egg market for
4 potential competitors, the threat of substitute products for
5 eggs, outside competitors who were not part of the alleged
6 conspiracy, and the percentage of the market covered by the
7 alleged members of the conspiracy.

8 If the Defendants and their alleged coconspirators
9 do not possess a substantial market share, it is less likely
10 that the Defendants and their alleged coconspirators possessed
11 market power.

12 If they do not possess market power, then it's less
13 likely that the challenged restraints have resulted in a
14 substantial harmful effect on competition in the market.

15 On the other hand, if you were to conclude that the
16 Defendants and their alleged coconspirators possessed market
17 power, you could conclude that it is more likely that the
18 challenged restraints have resulted in a substantial harmful
19 effect on competition in the market.

20 If you find that the Direct Purchaser Plaintiff
21 Class has proven that the challenged restraints resulted in
22 substantial harm to competition in a relevant market, then you
23 must determine whether the restraints also benefits
24 competition in other ways.

25 In considering whether the challenged restraints

1 benefitted competition, you may consider various factors,
2 including, but not limited to, whether the challenged
3 restraints were demanded by customers, increased production,
4 decreased prices, or improved product quality. If you find
5 that the challenged restraints do result in competitive
6 benefits, then you must also consider whether the restraints
7 were reasonably necessary to achieve the benefits.

8 If the Direct Purchaser Plaintiff Class proves that
9 the same benefits could have been readily achieved by other
10 reasonably available alternative means that create
11 substantially less harm to competition, then they could not be
12 used to justify the restraints.

13 If you find that the challenged restraints were
14 reasonably necessary to achieve competitive benefits, then you
15 must balance those competitive benefits against the
16 competitive harm resulting from the same restraints.

17 If the competitive harm substantially outweighs the
18 competitive benefit, then the challenged restraints are
19 unreasonable. If the competitive harm does not substantially
20 outweigh the competitive benefits, then the challenged
21 restraints are not unreasonable.

22 In conducting this analysis, you must consider the
23 benefits and the harm to competition and to consumers. The
24 Direct Purchaser Plaintiff Class bears the burden of proving
25 that the anticompetitive effect of the conduct substantially